FOR MYSORE STATE

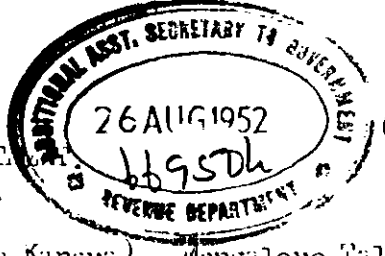
Revenue (1952) Department

Ms SERIES.

G.O. NO. 2657

Dated 1. 10. 1952

[Despatch Abstract.]



REVENUE DEPARTMENT

Subject.

ALIENATION - Land and Land Revenue (South Kanara) - Mangalore Taluk - Kodialbail village T.S. Nos. 205/1A4 and 205/1A3 - In favour of the Guild of Service , Mangalore - for constructing a building and an approach road - Recommended.

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M A D R A S. Ref: E. 6362/52-1. dated 22-8-52.

From

Sri A. F. Mascarenhas, I.A.S., Secretary, Board of Revenue,

Sri N.R.S. Sattianathan, I.C.S., Commissioner of Land Revenue.

****

pps-10 mfm Read: From the Collector of South Kanara Ref. B3. 12958/52 dated 30-7-52.

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REFERENCE:

At the instance of the Collector of South Kanara the Board recommends the alienation of the plot of land comprised in T.S.Nos. 205/1A4 and 205/1A3 of Kodialbail village of Mangalore Taluk and Town measuring Ac. 0.25 and A. 0.02 in favour of the Guild of Service, Mangalore for use as the sites of a building and an approach road to it.

2. The alienation will be free of charge for the occupancy right and free of assessment but subject to the payment of Rs. 6-12-0 being the seignirage value of a few firewood trees standing on the land and subject also to the following conditions:-

(1) the land shall be used as the site of a building and an

an approach road to it and for no other purpose.

2. The building shall be constructed and the road formed with a period of two years from the date of the grant.

3. No other building shall be constructed on the land without the previous permission of the Collector of the district.

4. The Market value of the land shall be collected if at any time it is found that the grantee derives a substantial income from the land. The Collector shall decide whether a net income is derived from the land or not and his decision shall be final.

5. The course of the drainage channel in the plot from the culvert should not be interfered with. If need be the portion falling within the area should be covered up and grade walls put up at every 50 feet of the channel to prevent erosion.

6. In case the land is to be levelled the depth of the cutting should not exceed 5 feet.

7. The building shall be managed and maintained efficiently to the satisfaction of the Collector.

8. The grantee shall execute the repairs which in the opinion of the Collector of the district are considered necessary whenever required by him to do so.

(9) The Government may resume the land wholly or in part with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land, the Government may direct the grantee to remove them and if the grantee refuses to remove them when so directed the Government or any officer empowered by them in this behalf shall have power to remove the buildings and realise the cost of such removal by the sale of the materials.

(10) The Government may resume the land wholly or in part with any buildings thereon if in the opinion of the Government the land is required for public purposes or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reasons, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less, and the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less together with the initial cost or the value at the time of resumption or acquisition, whichever may be less of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. The amount of any grant made by the Government towards the cost of the buildings or other improvements shall be deducted from the compensation payable under this condition. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3).

11) In the event of the voluntary relinquishment of the land by the grantee no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee but the grantee shall be entitled to the repayment of any amount that may have been paid to the Government for the grant or the value of the land at the time of relinquishment whichever may be less.

(12) Full land revenue shall be levied if at any time any net income is derived from the land or if any of the conditions of the alienation are infringed. In the latter case, the land revenue shall be levied from the date of the infringement. The decision of the Collector on the question whether a net income is derived from the land or not shall be final.

13. The Government reserve to themselves the right to all sandal-wood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the district.

14. The alienee shall take all reasonable measures to the satisfaction of the Collector of the district for the protection of the sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land.

15. The alienee shall take the steps to see that the marks made by the officers of the Government on the sandalwood trees are preserved and are not tampered with; and

16. In the event of the infringement of, or failure to observe any of the conditions (13) to (15) the alienee shall pay to the Government such compensation as is determined by the Collector of the district for any loss or damage caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alienee shall not be entitled to any compensation whatever.

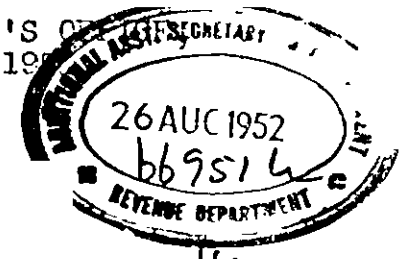
for Secretary.

To

The Secretary to Government Revenue Department, Madras with a copy of Collector letter dated 30-7-52 and with alienation statements and sketch.

TR:22-8/-

Ref.33. 12958/52. SOUTH KANARA COLLECTOR'S CAMP, Mangalore, dated 30-7-1952



From

Sri. A.V.P. Rajaratnam, I.A.S.,
Collector of South Kanara.

To

The Secretary to the Board of Revenue,
Land Revenue, Chepauk, Madras- 9.
(In duplicate)

Sir,

Sub:- Alienation - Land and Revenue - South Kanara - Mangalore Taluk and Town - Kodialbail village - T.S.No.205/1A (portions)- For the purposes of constructing a building and an approach Road - In favour of the Guild of service - proposals.

Ref:-

I submit herewith proposals for the alienation of portions of T.S.No.205/1A of Kodialbail village in Mangalore Taluk and Town for the purpose of constructing a building and an approach road to it, in favour of the Guild of Service Mangalore.

2. The Guild of service Mangalore is an institution engaging itself for the past 5 years in promoting social welfare of all classes of people and in the uplift of the poor. It is affiliated to the Madras Guild of Service which is a registered body. At present its activities are conducted in the building belonging to Mahila Sabha" Mangalore, another sister association. The various activities of the guild are enlarging and it is considered necessary to have a building of its own. The Guild therefore proposes to construct a building of its own and for this purpose it has selected a portion of T.S.No.205/1A of Kodialbail village now denoted as T.S.No.205/1A4 measuring 0.25 cents ine extent. It has also applied for T.S.No.205/1A5(0.02) for the purpose of an approach road to T.S.No.205/1A.

3. T.S.No.205/1A stands registered as "Court Hill Poromboke" in the Revenue accounts. The plot is situated below the road leading to the District and Sessions Court area. I have inspected the plot and I find that it is ideally situated and is quite suitable for the construction of a building for the Guild of Service.

4. The plots now proposed for alienation was once applied for, by the St.Aloysius College, Mangalore for the purpose of a playground. Their applications was rejected by me as I found that the plot cannot be allowed to be used as a playground as it is situated just above the D.C.Mission, Girl's Hostel buildings and as the proposal was objected to by the D.C.Mission for the same reasons. The D.C.Mission has no objection to the grant of the site to the Guild of Service for the construction of a building.

5. The land is valued at Rs.4718-12-0 or Rs.5000/- per acre and the total market value of the lands proposed for alienation comes to Rs.1350/- only as shown below.

~~8-9~~

Estimated annual lettingw value of Similar lands in the vicinity.	Rs. 200-0-0
Deduct ground rent per acre	Rs. 11-4-0
Net.	Rs. 188-12-0
Capitalized at 4%	Rs. 4718-12-0 or Rs. 5000-0-0 per acre.
Market value of 0.25 cents of land in T.S.No.205/1A4.	Rs. 1250-0-0
Market value of 0.02 cents of land in T.S.No.205/1A3	Rs. 100-0-0
Total	Rs. 1350-0-0

The collectionpf site value is not recommended as the Guild will not derive any income from these plots and also the land will be put into use for an unremunerative public purpose. The land is assessed at Rs. 11-4-0 per acre and the capitalised value of the land revenue to be foregone is Rs. 75-15-0

The plot is devoid of any improvement except a few firewood trees, the seignior ge value of which comes to Rs.6-12-0. This will be collected from the Guild on receipt of orders.

5. The proposals for this alienation have further been examined in the light of the instructions contained in G.O. No. Press. 1065 Revenue dated 1-5-1951 communicated with B.P.Rt.3206 dated 12-5-1951. The plot is situated at some distance from the District and Sessions Court buildings. The extent of the plot proposed for alienation is less than 0.50 cents and hence the Heads of Departments have not been consulted. I have however consulted the District and Sessions Judge, South Kanara who has stated that there is no objection to the alienation of the plot to the Guild of Service.

In view of the fact that the plot is situated in the Court ville and is close to the Court Buildings, the Executive Engineer, P.W.D. was consulted by me at the time of the enquiry into the petition of the St. Aloysius Collge, for the same lands. He stated that there was no objection to the alienation provided the following conditions were fulfilled,

(1) The course of the drainage channel that runs through the plot should not be interfered with but if need be, the portion falling within the area proposed to be alienated may be covered up and grade walls put up at every 50 ft of the channel to prevent erosion and (2) If the land proposed for alienation is to be levelled up the depth of cutting should not exceed 5 to 6 ft as a maximum.

6. There are two small encroachments in the plot now subdivided and denoted as T.S.No.205/1A2 and 1A5 by the Depressed Class Mission and St. Aloysius College,authorites ~~repeati~~ respectively. I am taking action seperately for the assignment of the plots encroached upon the encroachers as the encroachments are old ones.

7. A notice inviting objection for the proposed alienation was published in the village and no objections were received by me so far.

8. In these circumstances, I consider that the alienation is unobjectionable. The usual conditions of alienation and also the special conditions imposed by the Executive Engineer P.W.D., have been notified to the Guild and the latter has agreed to abide by them. I therefore recommend that T.S.No. 205/1A4 and 205/1A3 of Kodialbail village measuring 0.25 acres 0.25 cents and 0.02 cents respectively may be alienated in favour of the Guild of Service, Mangalore for the construction of a building and an approach road to it, free of charge for the occupancy right and also free of assessment, subject to the conditions notified.

9. Eyesketches in duplicate, Toposketches, extract from the land register, sub-division records, etc., are enclosed. Nil

Yours faithfully,

For Collector.

kvr/31-7552.

Copy of letter No.12958/52-B3 dated 25-5-52 of the Collector of South Kanara to the Chairman, Guild of Service (Seva Samajam) Mangalore

ALIENATION -Land and Revenue -Mangalore Taluk and Town Kodialbail village -T.S.No.205/1A (Portions) for building purposes-in favour of the Guild of service-conditions.

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Ref:- Your letter dated 10-5-1952.

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A set of conditions applicable for the alienation of T.S.No.205/1A and 205/1A3 of Kodialbail village, Mangalore Taluk and Town in favour of the Guild of Service, Mangalore for the construction of a building and an approach road to it respectively is appended. Please send a resolution of the Guild accepting these conditions, as early as possible.

Valuation statement of improvements existing in T.S.Nos 205/1A3, and 1A4 of Kodialbail A village Mangalor Taluk

/Nil/

S.K.Collector's office)
Mangalore dated 30-7-52)

3/1 for Collector. 1/8

Tree valuation Statement of trees existing in T.S.Nos 205/1A4, and 205/1A3 ~~A3~~ of Kodialbail A village Mangalore Taluk

1. Neral Tree 1
2. Uppalige 1
3. Pale trees 2
4. Wild trees 3

Estimated at their fire wood value of 3 cart loads. Rs. 6-12-0

S.K.Collector's office)
Mangalore dated 30-7-52

4/1 For Collector. 1/8

Application for the alienation of land revenue payable to Government.

1. Discription and area T.S.No 205/1A3, and 1A4, of Kodialbail village Mangalore Taluk

2(a) Annual assessment of ground rent Rs 11-4-0 per acre

(b) Capitalised value Rs 75-15-0

3. Aliness and purpose of alienation Guild of Service for the construction of a hall

4. Collector's remarks.

S.K.Collector's office)
Mangalore dated)
mv 31-7-52.

For Collector.

Data for the valuation of T.S.Nos 205/1A4 and 1A3 of Kodialbail village Mangalore Taluk South Kanara District.

1. Estimates annual letting value of similar lands in the vicinity.	Rs 200-0-0
2. Deduct ground rent	11-4-0
3. Net	188-12-0
4. Capitalised at 4%	4712-12-0
or in round figures	5,000-0-0
5. Value of T.S.No 205/1A4(25 cents)	1250- 0-0
Value of T.S.No 205/1A3(8 cents)	100-0-0
Total	1350-0-0

S.K.Collector's office)
Mangalore dated)

For Collector.

a
Application for alienation of land in which the proprietary right belongs to the State.

District South Kanara Mangalore Taluk

1. Description and area T.S.Nos 205/1A3 and1A4 of Kodialbail village measuring 2 cents and 5 cents respectively

2. Market value 1350-0-0
3. Alienees and purpose of alienation Guild of Service Mangalore. for constructing a hall

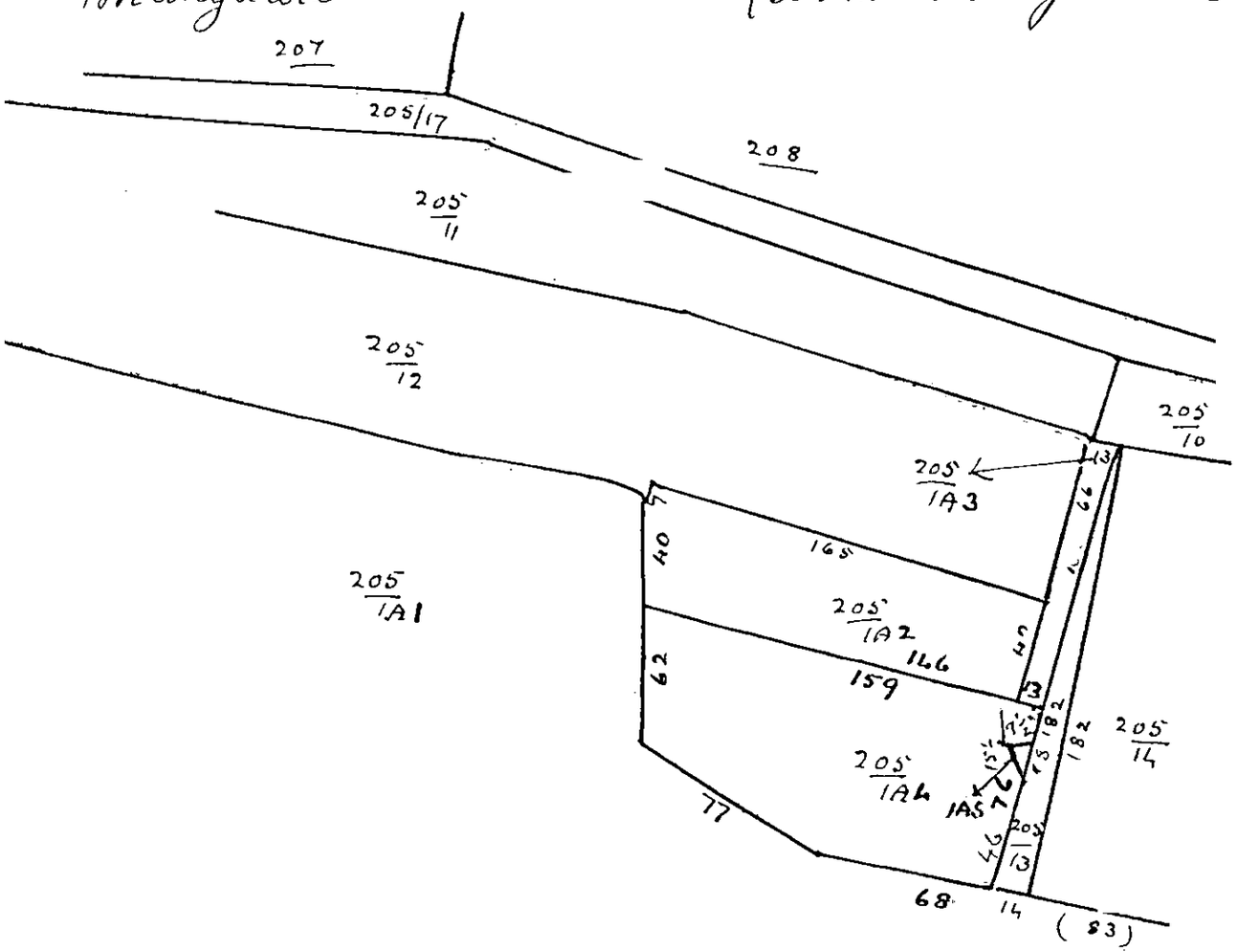
4. Collector's remarks. Recommended.

S.K Collector's office)
Mangalore dated)
mv 31-7-52.

For Collector.

South Kanara
Mangalore

Village { No: 89
Name Kodyalbail



Index :

T.S. No	Particulars
207, 208	Municipal Roads.
205/11 ½ 205/17	Land alienated in favour of ~~the D.C.~~ Mission. road margin Pavement.
205/10, 13, ¼	Land alienated in favour of the St Aloysius College, Mangalore.
205/1A1	Court hill pavement
205/1A2	Encroachment by ~~the D.C.~~ Mission.
205/1A3 } 205/1A4 }	Land ~~proposed~~ for alienation in favour of the Guild of Service.
205/1A5	Encroachment by St Aloysius College the portion an additional room

'd Narayanan
13.7.92
Mangalore

Scale 1 inch = 66 feet

2.6.92

Pl. issue
1/10/52

CMO. 66950 e/52

~~pp 5 10 cf~~

Read:

~~From the Collector of S. Kanara, Ref. B.3. 12956/52 dt 30.7.52~~

pp 1-4 cf

From the Board of Rev. Ref E. 6362/52. dt 22.8.52

G.O. Ms. No. 2657 dt 1-10-52

fr
11/10/52

The Govt sanction the alienation of the plot of land comprised in T.S. Nos. 205/1A4 and 205/1A3 of Kodialbail Village of Mangalore taluk and town, S. Kanara district measuring to a 25 cents and 2 cents respectively in favour of the Guild of service, Mangalore, for use as the sites of a building and an approach road to it

pl cf

2. The alienation will be free of charge for the occupancy right and free of assessment but subject to the payment of Rs. 6-12-0 being the (seigniorage) value of the few ~~fuel~~ firewood trees standing on the land and subject also to the following conditions:-

(1) The land shall be used as the site of a building and an approach road to it and for no other purpose.

(2) The building shall be constructed and the road formed within a period of two years from the date of the grant.

(3) No other building shall be constructed on the land without the previous permission of the Collector of the district

-pl 2 cf

(4) The market value of the land shall be collected if at any time it is found that the ~~absolute~~ grantee derives a substantial income from the land. The Collector shall decide whether a net income is derived from the land or not and his decision shall be final.

(P.T.O.)

(5) The course of the drainage channel in the plot from the culvert should not be interfered with. If need be the portion of the falling within the area should be covered up and grade walls put up at every 50 feet of the channel to prevent erosion.

(6) In case the land is to be levelled the depth of the cutting should not exceed 5 feet

(7) The building shall be managed and maintained efficiently to the satisfaction of the Collector.

(8) The grantee shall execute the repairs which in the opinion of the Collector of the district are necessary whenever required by him to do so.

(P.T.O.)

(9) The Government may resume the land, wholly or in part, with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land the Government may direct the grantee to remove them and if the grantee refuses to remove them when so directed the Government or any officer empowered by them in this behalf shall have power to remove the buildings and realise the cost of such removal by the sale of the materials.

(10) The Government may resume the land, wholly or in part with any buildings thereon, if in the opinion of the Government the land is required for public purposes or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reason, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less and the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less, together with the initial cost or the value at the time of*

*resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. The amount of any grant made by the Government towards the cost of the buildings or other improvements shall be deducted from the compensation payable under this condition. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3)

(11) In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee but the grantee shall be entitled to the repayment of any amount that may have been paid to the Government for the grant or the value of the land at the time of relinquishment whichever may be less.

(12) Full land revenue shall be levied if at any time any net income is derived from the land or if any of the conditions of alienation are infringed. In the latter case, the land revenue shall be levied from the date of infringement. The decision of the Collector on the question whether a net income is derived from the land or not shall be fin

(13) The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the District.

(14) The alienee shall take all reasonable measures to the satisfaction of the Collector of the District for the protection of the sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land,

P.T.O.

(v5) The alienee shall take steps to see that the marks made by the officers of the Government on the sandalwood trees are preserved and are not tampered with; and

(v6) In the event of infringement of or failure to observe any of the conditions (13) to (15) the alienee shall pay to the Government such compensation as is determined by the Collector of the District for any loss or damage caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and reenter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alienee shall not be entitled to any compensation whatever.

D 2.9.52 (pdt on 11) Rev 4/11

(By order of His Excellency the Governor)

9/9/52 25.5.52

Deputy Secretary to Government.

To the Board of Revenue (Land Revenue) (with the sketch returned)
Copy to the Collector of S. Kanara ---

Rev. Dept

Note :- The S. Kanara Collector's report on pp 5-7 CF explains the proposal in the file. It does not appear reported that the Guild of Service K on p 5 CF S. Kanara is not a registered body but it is affiliated to the Madras Guild of Service which is a registered body. The Board of Rev. has recommended the alienation of the lands / pp 1-4 CF S. nos 205/1A4 & 205/1A3 of Kodailbail Village, Mangalore taluk and town, S. Kanara dt in favour of the Guild of Service, Mangalore. The Collector has reported that the Heads of the departments have not para 5 on p 5 CF been consulted as the extent of land proposed for alienation p 10 of (H) is less than 50 cents. ~~It is submitted that~~ it is not ~~the extent proposed for alienation does not should be half an acre and above but it is the extent of land that is involved in the proposal that should be half an acre and above to bring the land within the purview of the G.O. at pp 1-7 (H)~~ ~~The Collector has not reported the exact extent of the land involved in the proposal However~~ In view of the para 1 on p 1 CF ~~bare legal nature of the~~ proper purpose for which the

42

land is required and also the smallness of the extent of the land viz. 27 cents. it is for orders whether the Board's recommendation to alienate ~~to~~ the plots of land in question will be accepted. Subject to orders the draft order on pp 1-4 ante is for approval. R.W & Fin may see p/o for acceptance before circulation

May be accepted
US
9.9.52

US
2/9/52

New 4/5 (Symbol on file)

US
9/9/52

~~DS~~ 11.9.52

R.W.

AS

P.W/Fin

R.W / Fin

Rev. p.o. No 66950 24/52-1
11.9.52

ADDITIONAL ASST. SECRETARY TO GOVERNMENT
61462
12SEP1952
RURAL WELFARE DEPARTMENT

R.W

The draft order on pp 1-4 ante and the notes on pp 4-5 above may be perused and the file passed on to Finance

13/9/52

13.9.52

15/9/52

GB

L.S. No 61462 R.W/52-1
15/9/52

Fin

Fin (Tech)

The draft order on pp 1-4 above may be accepted.

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT
15SEP1952
Fin 68133
FINANCE DEPARTMENT

18/9/52

11.9.52

18.9.52

Rev. Dept

Rev

17.9.52
To AS

notes from p. 4 ante may be perused. draft order on pp 1-4 ante may now issue

ADDITIONAL ASST. SECRETARY TO GOVERNMENT
23SEP1952
REVENUE DEPARTMENT

SECRETARY TO GOVERNMENT
24/9/52

25.9.52

DS

M.A.

ADDITIONAL ASST. SECRETARY TO GOVERNMENT
30SEP1952
REVENUE DEPARTMENT

M (L.R.) 27/9